

314 CMR 7.00: SEWER SYSTEM EXTENSION AND CONNECTION PERMIT PROGRAM

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7.01: Purpose and Authority

314 CMR 7.00 establishes the program whereby sewer system extensions and connections are regulated and permitted by the Division pursuant to M.G.L. c. 21, § 43. 314 CMR 7.00 is adopted to insure proper operation of wastewater treatment facilities and sewer systems within the Commonwealth.

7.02: Definitions

As used in 314 CMR 7.00, the following words have the following meaning:

Department - the Massachusetts Department of Environmental Quality Engineering, as established by M.G.L. c. 21A, § 7.

Director - the Director of the Division of Water Pollution Control or his designee.

Discharge or Discharge of Pollutants - any addition of any pollutant or combination of pollutants to waters of the Commonwealth from any source, including but not limited to, discharges from surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a POTW; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Division - the Division of Water Pollution Control of the Department, established pursuant to M.G.L. c. 21, § 26.

Effluent - a discharge of pollutants into the environment, whether or not treated.

Effluent Limitation or Effluent Limit - any requirement, restriction, or standard imposed by the Director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the Commonwealth or to publicly owned treatment works.

Environmental Protection Agency or EPA - the United States Environmental Protection Agency.

7.02: continued

Federal Act - the Clean Water Act, P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576, 33 U.S.C. 1251 *et seq.*

Hazardous Waste - a hazardous waste pursuant to the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000.

Industrial Waste - any liquid, gaseous, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

Massachusetts Water Quality Standards - the Massachusetts Surface Water Quality Standards (314 CMR 4.00) and the Massachusetts Ground Water Quality Standards (314 CMR 6.00).

Permit - an authorization issued pursuant to M.G.L. c. 21, § 43 and 314 CMR 2.00 and 3.00, 5.00, or 7.00, to implement the requirements of the State and Federal Acts and regulations adopted thereunder.

Person - any agency or political subdivision of the Commonwealth, the federal government, any public or private corporation or authority, individual, partnership or association, or other entity, including any officer of a public or private agency or organization, upon whom a duty may be imposed by or pursuant to any provisions of M.G.L. c. 21, §§ 26 through 53.

Pollutant - any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained or otherwise introduced into any sewerage system, treatment works or waters of the Commonwealth.

Pollution - the presence in the environment of pollutants in quantities or characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

Pretreatment - the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

Public Entity - any city, town, special district, the Metropolitan District Commission or other existing governmental unit eligible to receive a grant for the construction of treatment works from the United States Environmental Protection Agency pursuant to Title II of the Federal Act, as amended.

Publicly Owned Treatment Works or POTW - any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RCRA - the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, 42 U.S.C. Section 6901 *et seq.*)

RCRA Facility - a hazardous waste management facility as defined in 314 CMR 8.03.

Sewage - the water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

7.02: continued

Sewer System - pipelines or conduits, pumping stations, force mains, and all other structures, devices, appurtenances, and facilities used for collecting and conveying wastes to a site or works for treatment or disposal.

Sewer Connection - the sewer pipes and appurtenant works necessary to connect a building or estate to a sewer system.

Sewer Extension - the addition to a sewer system of a sewer pipe, together with appurtenant works, which when connected to the sewer system becomes the property of, and is operated and maintained by, the person owning the sewer system.

State Act - the Massachusetts Clean Waters Act, as amended, M.G.L. c. 21, §§ 26 through 53.

Toxic Pollutants - those pollutants identified in 314 CMR 3.16, or any other pollutants, or combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly through food chains, may, on the basis of information available to the Division, cause death, disease, behavioral abnormalities, cancer, mutations, physiological malfunctions, biochemical abnormalities, including malfunctions in reproduction, or physical deformations, in such organisms or their offspring.

Treatment Works - any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage or disposal, or industrial wastewater holding tanks regulated under 314 CMR 18.00.

Wastewater - sewage, industrial waste, other wastes or any combination of the three.

Waters of the Commonwealth - all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and ground waters.

7.03: Activities Requiring a Permit

No person shall construct, effect, maintain, modify or use any sewer system extension or connection without a currently valid permit from the Director pursuant to M.G.L. c. 21, § 43 and 314 CMR 7.00, unless exempted in 314 CMR 7.05. Any person who proposes to construct, effect, maintain, modify or use a sewer system extension or connection may obtain a permit by filing the application form in accordance with 314 CMR 7.00 and 2.00.

7.04: Additional Restrictions on the Use of Sewer Systems

(1) Where the Director finds that any discharge of pollutants or other condition in violation of the provisions of 314 CMR 4.00, 6.00, or 7.06 is occurring, or determines that inadequacies in the design or capacity of a sewer system exist, or that additional extensions or connections to, or the increased use of, a sewer system will result in violations of the provisions of the State Act or regulations promulgated thereunder, he may:

- (a) Prohibit further connections to or extensions of the sewer system; or
- (b) May order the person owning the sewer system to:
 - 1. prohibit further connections to or extensions of the sewer system except in accordance with the terms of the order;
 - 2. undertake the necessary design, construction and repair work required to eliminate such discharges;
 - 3. such other actions as may be necessary to abate such violations or conditions; or
 - 4. all of the above.

7.04: continued

As part of an order issued pursuant to 314 CMR 7.04, the Director may require that all persons desiring to construct, effect, maintain, modify or use a sewer connection or extension within the area served by the sewer obtain a permit from this Division for the extension or connection. Where this requirement is imposed, the person owning the sewer system shall notify all local officials involved in the issuance of building, sewer connection and occupancy permits of the requirement, and said officials shall notify applicants for local permits of the need to apply to the Division for a sewer extension or connection permit pursuant to M.G.L. c. 21, § 43.

(2) All outstanding permits, orders, determinations, notices or other actions of the Director relative to sewer extensions or connections shall remain in full force and effect unless specifically modified by the Director.

7.05: Exemptions

(1) Existing sewer extensions for which a permit has not been issued by the Director and which have been constructed and effected prior to May 10, 1979 and are currently being used and maintained are exempt from the permit requirements of M.G.L. c. 21, § 43(2). Physical alteration or modification of such extensions is exempt from the permit requirements of M.G.L. c. 21, § 43(2), provided plans for the alteration or modification receive the prior written approval of the Director. Any increase in flow, or change in use of such extension shall not result in a condition in violation of any applicable sewer use rules and regulations or the provisions of 314 CMR 12.00

(2) Existing sewer connections for which a permit has not been issued by the Director and which have been constructed and effected prior to May 10, 1979 and are currently being used and maintained are exempt from the permit requirements of M.G.L. c. 21, § 43(2). Any increase in flow through such connection of 2000 gallons per day above the rate of discharge prevailing in May 1979 is not exempt and shall be subject of a sewer connection permit application to the Director pursuant to 314 CMR 7.00. Any change in use of such connection, regardless of the level of flow, shall not result in a violation of any applicable sewer use rules and regulations or the provisions of 314 CMR 12.00.

(3) Existing sewer extensions for which a permit has been issued by the Director and which have been constructed, effected and maintained in accordance with that permit are exempt from the reapplication requirements of 314 CMR 7.00. Physical alteration or modification of such extension is exempt from the permit requirements of M.G.L. c. 21, § 43(2), provided plans for the alteration or modification receive the prior written approval of the Director. Any increase in flow or change in use of the extension not authorized in the original permit for the extension is not exempt and shall be the subject of a sewer connection permit application to the Director pursuant to 314 CMR 7.00.

(4) Existing sewer connections which discharge only sewage to the sewer system and for which a permit has been issued by the Director and which have been constructed, effected and maintained in accordance with that permit are exempt from the reapplication requirements of 314 CMR 7.00. Any modification, increase in flow, or change in use of such connection is not exempt and shall be the subject of a permit application to the Director pursuant to 314 CMR 7.00.

(5) Any proposed connection to an existing sewer system which will add less than 15,000 gallons per day of sewage to the system, except a connection which includes a pump station serving more than one single family dwelling, shall be exempt from the permit requirements of M.G.L. c. 21, § 43(2) unless an outstanding permit, order, determination, notice or other action of the Director preserved by 314 CMR 7.04 requires otherwise.

(6) Any proposed and/or existing sewer connection and/or extension which discharges to the sewer system in compliance with the written instructions of an On-Scene Coordinator pursuant to 33 CFR Part 153 - Control of Pollution by Oil and Hazardous Substances, Discharge Removal and 40 CFR Part 300, Subchapter J - Superfund, Emergency Planning, and Community Right-To-Know Programs, Subparts B and C, or if conducted as an Immediate Response Action

7.05: continued

in compliance with M.G.L. c. 21E and the regulations promulgated thereunder, 310 CMR 40.0000, or if approved in writing by the Director, the Commissioner, or their designees, as necessary to abate, prevent, or eliminate an imminent hazard to the public health, safety, welfare, or the environment is exempt from the permit requirements of M.G.L. c. 21, § 43(2); provided, however, the discharger has approval for the connection and discharge from both the entity controlling the sewer system and the entity controlling the POTW.

(7) Any proposed and/or existing sewer connection and/or extension which discharges to the sewer system in compliance with the provisions of M.G.L. c. 21E and the regulations promulgated thereunder, 310 CMR 40.0000, is exempt from the permit requirements of M.G.L. c. 21, § 43(2); provided, however, that 1) prior to the date of commencement of the discharge, the Director, Commissioner, or their designees, or the Commonwealth did not issue an Order prohibiting further connections or increased flows to the sewer system to which the connection is made or, if such an order has been issued, the connection or extension is in compliance with the terms of that Order; 2) the discharger has approval for the connection and discharge from both the entity controlling the sewer system and the entity controlling the POTW; and 3) the discharger complies with applicable effluent limitations.

(8) Printers subject to 310 CMR 71.00 are not subject to 314 CMR 7.00.

(9) Photo processors subject to 310 CMR 71.00 are not subject to 314 CMR 7.00.

(10) Printers subject to 310 CMR 71.00 are not subject to 314 CMR 7.00.

NON-TEXT PAGE

7.06: Prohibitions

- (1) No person owning or maintaining a sewer system shall operate such system in a manner, or allow additional extensions or connections to the system which would result in:
 - (a) Any surcharging, overflow or bypassing of the system which is not authorized by a discharge permit issued by the Director pursuant to M.G.L. c. 21, § 43; or
 - (b) An increase in a surcharge, overflow or bypass permitted by the Director which increase would result in the elimination of an existing beneficial use of the receiving waters as established in the Massachusetts water quality standards or the creation of a hazard to the public health or safety; or
 - (c) Any violation of the provisions of 314 CMR 12.00.
- (2) No person owning, maintaining or using a sewer connection shall discharge or allow the discharge of wastewaters through such connection which would result in a hazard to the public health or safety or a violation of the provisions of 314 CMR 7.00 or 12.00

7.07: Effect of a Permit

Unless a permit specifically states otherwise, a permit for a sewer system extension or connection issued by the Director shall be deemed to authorize the applicant or person owning the sewer system of which the extension or connection is a part to construct, effect and maintain the extension or connection as described in the application and in accordance with approved plans and specifications. Use of the extension or connection shall be deemed permitted up to the total flow stated in the application form and additional connections adding flow within this gallonage amount shall not be the subject of a separate application to the Director provided that the industrial waste flow stated in the application form is also not exceeded and that no new sources of industrial waste other than those establishments approved by the Director are added to the system through the permitted extension or connection.

7.08: Continuation of an Expiring Permit

- (1) The conditions of a permit continue in force under M.G.L. c. 30A, § 13 beyond the expiration date if:
 - (a) the permittee has made timely application for renewal of a new permit pursuant to 314 CMR 7.09(3) which is a complete application under 314 CMR 7.09(4); and
 - (b) the Director does not renew or issue a new permit with an effective date under 314 CMR 2.08 on or before the expiration date of the previous permit.
- (2) Permits continued under 314 CMR 7.08 remain fully effective and enforceable.

7.09: Application for a Permit

- (1) Duty to apply. Any person required to obtain a permit pursuant to 314 CMR 7.03 shall complete and submit the application form contained in 314 CMR 7.20.
- (2) Who must apply. The owner of the treatment works or activity resulting in a discharge of pollutants shall apply for a permit.
- (3) Time to apply.
 - (a) Any person required to obtain a permit pursuant to 314 CMR 7.03 and who does not have a currently effective permit shall submit an application at least 90 days before the date on which the sewer system extension or connection is to be constructed, unless permission for a later date has been granted by the Director. Persons proposing a new discharge are encouraged to submit their applications well in advance of the 90 day requirement to avoid delay.
 - (b) Any person with a currently effective permit not exempted from permit renewal under 314 CMR 7.05 shall submit a new application at least 90 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director.

7.09: continued

- (4) Completeness. The Director shall not issue a permit before receiving a complete application as required under 314 CMR 2.03(2).

7.10: Permit Conditions

- (1) General Conditions. The conditions in 314 CMR 7.20(21) apply to every permit issued under 314 CMR 7.00.

(2) Special Conditions. In addition to conditions applicable to all permits [314 CMR 7.10(1) and 7.20(21)], the Director shall establish special conditions, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the State and Federal Acts and regulations adopted thereunder. These conditions may establish effluent limitations, standards and applicable pretreatment requirements (314 CMR 12.08); the duration of the permit [314 CMR 7.10(3)]; monitoring, recordkeeping and reporting requirements [314 CMR 7.10(4)]; and where applicable, schedules of compliance [314 CMR 7.10(5)] and other conditions [314 CMR 7.10(6)]. An applicable requirement is a statutory or regulatory requirement which takes effect prior to issuance of the permit.

The Director may incorporate special conditions relative to the design, construction or use of the sewer system extension or connection as part of the permit under 314 CMR 7.10 when in his opinion said special conditions are necessary to assure that the discharge does not have a deleterious effect upon the treatment works, processes, equipment, or receiving waters and that the project does not pose a threat to public health or the environment or create a public nuisance.

- (3) Duration of permits.

(a) Permits shall be effective for a fixed term not to exceed five years. The Director may issue any permit for a lesser duration.

(b) Permits issued prior to the effective date of 314 CMR 7.00 expire five years from the date of issuance pursuant to M.G.L. c. 21, § 43.

- (4) Monitoring record keeping and reporting requirements.

(a) A permit may contain monitoring requirements to assure compliance with permit limitations. The type, intervals, and frequency of monitoring shall be sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) A permit may contain requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge.

(c) The permittee shall retain records of all required monitoring information for a period of three years from the date recorded unless extended by the Director.

- (5) Schedule of compliance. A permit may, when appropriate, specify a schedule leading to compliance with the State and Federal Act and regulations adopted thereunder. Any such schedule shall require compliance as soon as possible.

- (6) Other Conditions. In addition to the conditions established under 314 CMR 7.10(1) through (5), a permit may include other special conditions as follows:

(a) Requirements to control or abate the discharge of certain pollutants through the application of best management practices.

(b) Requirements to prepare and submit periodic operating reports for pretreatment facilities.

(c) Requirements governing the disposal of sludge from pretreatment facilities.

(d) Requirements to implement the provisions of 314 CMR 12.00.

7.12: Modification, Suspension, Revocation and Renewal of Permits

- (1) As provided in M.G.L. c. 21, § 43(10), the Director may propose and determine to modify, suspend or revoke any outstanding permit, in whole or in part, for cause including, but not limited to, violation of any permit term, obtaining a permit by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that calls for reduction or discontinuance of the authorized discharge or activity. The Director may also modify a permit at the request of the permittee upon a showing, satisfactory to the Director, that the requested modification is appropriate in view of circumstances for which the permittee is not at fault.
- (2) The modification, suspension, revocation or renewal of a permit shall be processed in accordance with the provisions of 314 CMR 2.10.
- (3) Minor Modifications to permits. Upon the consent of the permittee, the Director may modify a permit to make the corrections or allowances for changes in the permitted activity listed in 314 CMR 7.12(3), without following the procedures of 314 CMR 2.00. Any permit modification not processed as a minor modification under 314 CMR 7.12 must be made for cause and in accordance with the draft permit and public notice requirements of 314 CMR 2.00. Minor modifications may only:
 - (a) Correct typographical errors;
 - (b) Require more frequent monitoring or reporting by the permittee;
 - (c) Change an interim compliance date in a schedule of compliance, provided the new date does not interfere with attainment of the final compliance date requirement; or
 - (d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Director.
 - (e) Substitute monitoring and reporting requirements to conform to the requirements of a permit issued by a public entity approved to administer the system of permits under 314 CMR 7.16.

7.13: Transfer of Permits

- (1) Any sewer system extension or connection permit authorizing an industrial discharge to a sewer system is only valid for the person to whom it is issued, unless transferred pursuant to 314 CMR 7.13(1). Such permits shall be automatically transferred to a new permittee if:
 - (a) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date; and
 - (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them.
- (2) Any sewer system extension or connection permit not subject to 314 CMR 7.13(1) automatically transfers to a subsequent owner, operator or occupant.

7.14: Signatories to Permit Applications and Reports

All permits, applications, and reports shall be signed as follows:

- (1) For a municipality, State, Federal, or other public agency by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the treatment works.
- (2) For all other applicants and permittees by a duly authorized representative. An authorized representative may be:
 - (a) A principal executive officer of at least the level of vice president for a corporation.

7.14: continued

- (b) A general partner or proprietor if for a partnership or sole proprietorship respectively.
- (c) A duly authorized representative of the individual designated in 314 CMR 7.14(2)(a) or (b) if such representative is responsible for the sewer extension or connection and the overall operation of the facility discharging thereto.

7.15: Calculation of Flows

Unless a variance is authorized by the Director in writing, applicants applying for a sewer extension or connection permit shall use the following figures in calculating daily sewage flow in completing the application:

SEWAGE FLOW ESTIMATES:

<u>Type of Establishment</u>	<u>Gallons per Person per day</u>
Boarding Schools, Colleges	65
Nursing Home and Rest Home	100
School, without cafeteria, gymnasium or showers	10
School, with cafeteria, but not gymnasium or showers	15
School, with cafeteria, gymnasium and showers	20
Swimming Pool	10
Camp, resident - washroom and toilets	25
Camp, resident - mess hall	10
Camp, day - washroom and toilets	10
Camp, day - mess hall	3
Camp Ground - showers and toilets - per site	75
Gymnasium - per spectator	3
Gymnasium - per participant	25
Theater, Auditorium	3
Public Park - toilet wastes only	5
Public Park - bathhouse, showers, and flush toilets	10
Factory or Industrial Plant, without cafeteria	15
Factory of Industrial Plant, with cafeteria	20
Work or Construction Camp	50
	<u>Gallons per Day</u>
Single and multiple dwelling units - Per Bedroom motels, hotels, boarding houses	110
Tennis Club - per court	250
Bowling Alley - per alley	100
Country Club - dining room - per seat	10
Country Club - snack bar or lunch room - per seat	10
Country Club - locker and showers - per locker	20
Church - per seat	3
Church - vestry/kitchen - per person at capacity	5
Trailer, dump station - per site or per trailer	50
Mobile Home Park - per site	200
Office Building - per 1,000 sq. ft.	75
Dry Goods Stores - per 100 sq. ft.	5
Drive-In - per stall	5
Non-single family, Automatic clothes washer per washing machine	400
Hospital - per bed	200
Service Station, excluding thruway - per island	300
Skating Rink - 3,000 gallons per day plus 5 gallons per seat	300
Dog Pounds - Veterinary Clinics - per pen	50

7.15: continued

<u>Type of Establishment</u>	<u>Gallons per Seat or Chair per day</u>
Restaurant, food service establishment, lounge, tavern	35
Restaurant, thruway service area	150
Restaurant, kitchen flow	15
Barber Shop/Beauty Salon per chair	100

For purposes of 314 CMR 7.15, a "bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. Such area shall not include kitchen, bathroom, dining room, halls, or unfinished cellar; but may include bedroom, den, study, sewing room, or sleeping loft.

7.16: Approval to Administer the System of Permits for Discharges of Industrial Waste

(1) Any public entity controlling a publicly owned treatment works may apply to the Department for approval to administer, in whole or in part, the system of sewer connection permits for discharges of industrial waste within the POTW system, pursuant to M.G.L. c. 21, § 43(8), excepting therefrom discharges of industrial waste from the public entity itself. Approval or denial of the application will be based on the following criteria:

- (a) the public entity's permitting program:
 - 1. ensures that effluent limitations and water quality standards are met;
 - 2. requires adequate monitoring and treatment; and
 - 3. includes adequate administrative and procedural mechanisms, including but not limited to:
 - a. public notice for each permitting proceeding pursuant to M.G.L. c. 21, § 43(4); and
 - b. the opportunity for a hearing for the applicant or permittee in the event of any proposal to deny, suspend or revoke a permit, in whole or in part, including any proposed reduction in an authorized discharge, and any cease and desist order;
- (b) the public entity's permitting program ensures that existing levels of environmental protection are maintained or enhanced;
- (c) if the public entity is required to obtain federal approval of its pretreatment program, the public entity's pretreatment program has been approved by the U.S. Environmental Protection Agency pursuant to 40 C.F.R. 403 and is implemented as approved;
- (d) the public entity possesses adequate financial resources and demonstrates adequate permitting and inspection staff, qualified and trained operating personnel and management responsible for the pretreatment program, including an appropriate number of personnel certified as Toxic Use Reduction Planners;
- (e) the public entity is willing to sign an appropriate memorandum of understanding with the Department concerning the responsibilities of the Department and the administering entity under an approved program;
- (f) the public entity has an established fee program or other financial mechanism ensuring the financial stability of the administered program;
- (g) the public entity has implemented or proposes to implement a program to encourage industrial sewer users to reduce the volume and toxicity of their discharge through pollution prevention techniques, and the entity has made or proposes to make efforts to increase awareness of the Toxic Use Reduction Act ("TURA", M.G.L. c. 21I) through its permitting and compliance programs; and
- (h) any other relevant factor.

(2) Approval Procedure. The Division will complete a review of the application, request any further information necessary to evaluate the application and hold a public hearing on the application to administer the system of permits. After public hearing, the Department shall either approve or deny the application in whole or in part, or issue a conditional approval.

7.16: continued

(3) Withdrawal or Modification of Approval to Administer the System of Permits. The Department may withdraw, condition or modify its approval to administer the system of permits, in whole or in part, for cause, including but not limited to, obtaining approval by misrepresentation or failing to disclose fully all relevant factors or any change in, or discovery of conditions, or noncompliance with the conditions of approval, that calls for modification or withdrawal of the Department's approval. If the Department withdraws its approval from an administering entity, the permits issued under the approved program shall continue in effect as permits from the Department for all purposes, unless they are reissued, modified, suspended or revoked by the Department. The administering entity shall provide the Department with at least 60 days advance written notice of the administering entity's withdrawal from the approved program.

(4) Permits from the Administering Entity. A facility with a new or existing connection for a discharge of industrial waste to a sewer controlled by an administering entity approved pursuant to M.G.L. c. 21, § 43(8) and 314 CMR 7.16 to administer the system of permits, shall comply with the permitting requirements of the administering entity. Any alteration of the treatment works or the characteristics of a permitted facility's effluent shall be approved as required by the administering entity's permitting program. Any connection permitted under an approved program shall be registered either by the administering entity or the permittee with the Department, and is subject to inspection and enforcement action by the Department. A permit issued by an administering entity shall be considered a permit from the Department for all purposes related to enforcement and compliance with M.G.L. c.21 and 314 CMR 7.00, 8.00, 12.00 and M.G.L. c. 21C and 310 CMR 30.801(4).

(5) Outstanding Department Permits. Upon the effective date of any approval to administer the system of permits, a facility with an existing Department permit within the approved system may request the Department to modify its permit to conform the permit's monitoring and reporting requirements to those of the permit issued by the administering entity. Such modifications shall be considered minor modifications pursuant to 314 CMR 7.12, and are not subject to the permit modification fee established in 310 CMR 4.10. With respect to facilities subject to M.G.L. c. 21C and 310 CMR 30.801(4), the administering entity shall issue permits under the approved program prior to the expiration of the Department's permit.

(6) Application and Compliance Fees. Permit applications submitted to an administering entity are not subject to the Department's industrial wastewater permit application fee, but may be subject to fees established by the administering entity. Facilities permitted by an administering entity are subject to annual compliance fees established by the Department in 310 CMR 4.03.

7.20: Sewer System Extension or Connection Permit and Application Form

APPLICATION FOR PERMIT
OR
SEWER SYSTEM EXTENSION OR CONNECTION

PERMIT NO: _____
TOWN: _____
For issuing office use only

INSTRUCTIONS

The application should be signed by the appropriate municipal official, and submitted in triplicate, with the original and one copy to the Division's Boston office and one copy to the appropriate regional office. The signature of the design engineer or other agent will be accepted only if accompanied by a letter of authorization.

If connection is to be made to the MDC sewerage system, indicate MC in item 11.

If the project includes sewers, pumping stations, force mains, or syphons, construction plans must be submitted with the application.

If additional space is required to properly answer any questions, please attach additional sheets and refer to the attachments in the space provided:

(1) Name and Address of Applicant: _____

(2) Name of Sewer System Owner: _____
(Municipality or Sewer District)

(Department)

(3) Type of Project: _____
(Sewer extension or sewer Connection)

(4) Number of Residences to be served: _____

(5) Number of Bedrooms: _____

(6) Other establishments to be served:

(a)	_____	_____	_____	_____
	Name	Address	Type of establishment	Design Flow
(b)	_____	_____	_____	_____
(c)	_____	_____	_____	_____
(d)	_____	_____	_____	_____

7.20: continued

(7) Design Flow-Gallons per day

Sewage	_____
Industrial Wastes	_____
Total	_____

(8) Location, length, Size and Capacity of Sewers to be connected to the existing system: (Attach sketch)

(a)	_____
	Name of street Length of Sewer Size of Sewer Flow Full Capacity
(b)	_____
(c)	_____
(d)	_____

(9) Location, Size and Capacity of Pumping Stations to be Connected to the existing system:

(a)	_____
(b)	_____

(10) GeneralDescriptionofSewers and Pump Stations within the existing sewer system which will transport the flow from the proposed sewer extension or connection to the receiving Wastewater Treatment Facility:

(11) Receiving Wastewater Treatment Facility:

Name:	_____
Average Daily Flow:	_____ Million Gallons per Day
Design Flow:	_____ Million Gallons per Day

(12) Does the discharge contain any industrial waste?

Yes _____ No _____

If yes, list any pollutants which you know or have reason to believe are discharged or may be discharged. For every pollutant you list, please indicate its approximate concentration in the discharge and any analytical data in your possession which will support your statement. Additional wastewater analysis may be required as part of this application.

7.20: continued

(13) Does the discharge contain any industrial waste containing substances or materials which could harm the sewers, wastewater treatment process, or equipment; have an adverse effect on the receiving waters; or could otherwise endanger life, limb, public property, or constitute a nuisance?
Yes _____ No _____

(14) Do the wastewaters receive any pretreatment prior to discharge?
Yes _____ No _____

(15) List, in descending order of significance, the four digit standard industrial classification (SIC) Codes which best describe the facility producing the discharge in terms of the principal products or services provided. Also, specify each classification in words.

<u>SIC CODE</u>	<u>SPECIFY</u>
-----------------	----------------

- | | |
|----|--|
| A. | |
| B. | |
| C. | |
| D. | |

(16) Is the Proposed Discharge Consistent with Existing Sewer Use Regulations: Yes: __ No: __

(17) Is there a site of historic or archeological significance, as defined in regulations of the Massachusetts Historical Commission, 950 CMR 71.00, which is in the area affected by the proposed extension or connection? Yes: __ No: __

(18) Does this project require a filing under 301 CMR 11.00, the Massachusetts Environmental Policy Act?
Yes __ No __

If Yes, Has a Filing been Made?

Yes __ No __

(19) Name and Address of Massachusetts Registered Professional Engineer Designing the Proposed System:

Name

Address

City State Zip

Telephone Mass. P.E. Number

7.20: continued

(20) Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I will be responsible for publication of public notice of the applicable permit proceedings identified under 314 CMR 2.06(1)(a) through (d).

_____	_____
Printed Name of Applicant	Title
_____	_____
Signature of Applicant	Date Signed
_____	_____
Name of Preparer	Title Telephone No.

(21) General Conditions

- (a) All discharges issued herein shall be consistent with the terms and conditions of this permit and the approved plans and specifications. The discharge of any wastewater at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties as provided for in M.G.L. c. 21, § 42.
- (b) After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - 1. Violation of any terms or conditions of the permit;
 - 2. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and
 - 3. A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (c) In the event of any change in control or ownership of facilities from which the authorized discharges originate, the permittee shall notify the succeeding owner or operator of the existence of this permit by letter, a copy of which shall be forwarded to the Director. Succeeding owners or operators shall be bound by all the conditions of this permit, unless and until a new or modified permit is obtained.
- (d) The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges; nor does it authorize or relieve the permittee of any liability for any injury to private property or any invasion of personal rights; nor any infringement of Federal, State, or local laws or regulations; nor does it waive the necessity of obtaining any local assent required by law for the discharge authorized herein.
- (e) The provisions of this permit are severable, and the invalidity of any condition or subdivision thereof shall not make void any other condition or subdivision thereof.

7.20: continued

(f) All information and data provided by an applicant or a permittee identifying the nature and frequency of a discharge shall be available to the public without restriction. All other information (other than effluent data) which may be submitted by an applicant in connection with a permit application shall also be available to the public unless the applicant or permittee is able to demonstrate that the disclosure of such information or particular part thereof to the general public would divulge methods or processes entitled to protection as trade secrets in accordance with the provisions of M.G.L. c. 21, § 2(7). Where the applicant or permittee is able to so demonstrate, the Director shall treat the information or the particular part (other than effluent data) as confidential and not release it to any unauthorized person. Such information may be divulged to other officers, employees, or authorized representatives of the Commonwealth or the United States Government concerned with the protection of public water or water supplies.

- (g) Transfer of Permits
1. Any sewer system extension or connection permit authorizing an industrial discharge to a sewer system is only valid for the person to whom it is issued, unless transferred pursuant to 314 CMR 7.13. Such permits shall be automatically transferred to a new permittee if:
 - A. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date; and
 - B. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them.
 2. Any sewer system extension or connection permit not subject to 314 CMR 7.13(1) automatically transfers to a subsequent owner, operator, or occupant.

(22) Special Conditions

APPROVAL RECOMMENDED:

Signature and Title of Appropriate Municipal Official (Phone)

(FOR ISSUING OFFICE USE ONLY)

_____	_____
Director	Date Issued
Division of Water Pollution Control	

Effective Date of Permit

REGULATORY AUTHORITY

314 CMR 7.00: M.G.L. c. 21, §§ 27(12) and 43.

NON-TEXT PAGE